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REVIEWED BY 300R DATE 3/18/81
March 5, 1987

Secretary, Joint Intelligence Objectives
Agency

State Department Member, Governing Committee

Meeting of 27 February 1947

DECLASSIFIED BY SP-1 DATE 3/18/81
PA or FBI EMPLOYEES

I cannot approve in all respects the minutes of the above meeting as set forth in the document dated 27 February 1947 which has been submitted to me. In particular I find the following inaccuracies:

1. The paper fails to report accurately the primary development of the discussion which began with the submission by the Director of JIOA 1/16. This was that the office of the Secretary of War, represented by Lt. Col. St. Clair and Lt. Col. Cone, had declined to take action upon a transmittal by the Director of JIOA of certain names represented to be nominees of the Department of Commerce unless the War Department were assured that the State Department and the Navy Department were aware that this was being done. The War Department was not submitting to JIOA any question of policy, therefore, but wished to make sure that the other departments represented in JIOA assumed some responsibility with the War Department for the entry of the persons represented to have been nominated by the Department of Commerce. It was indicated, furthermore, that the Secretary of War's office had entertained doubts whether the importation of the particular persons on the Commerce list could be justified as being in the interests of the national security, rather than for civilian exploitation. The State Department representative stated that he had no prior knowledge of the existence of these persons, that no names had been submitted to the State Department for certification in this case. He added that the State Department had not been informed regarding any of the other preceding cases, and he stated that, as interpreted by the State Department, its certification of the "U.S. Exploitation List" was required by the provisions of the expanded Paperclip program as set forth in SWPCC 257/22.

2. No vote was taken on the paper JIOA 1/16 as a whole, but only on the recommendations at the end thereof. The position of the State Department member was that if the paper in question was a "policy paper", it should be presented to SWPCC and not to JIOA, since JIOA was an operations body and not a policy-making body; that the individual members of the Governing Committee and the agencies which they represented must have adequate opportunity to study any nominations in order to determine whether they should be certified as part of the "U.S. Exploitation List"; and that the mere tender of names by the Director at a meeting was insufficient compliance with the provisions of SWPCC 237/22. Therefore, he said, the State Department member was not vested with authority

TOP SECRET

to approve the list on behalf of the State Department without prior study and submission to his Department for comment and report to the Governing Committee.

3. A fundamental difference of opinion with respect to the functions of the Director and of the Governing Committee on the subject of certification of the "U.S. Exploitation List" developed. The Director took the view that the members of the Governing Committee and the departments they represented had no power or right to pass upon the submission of any names, or to obtain any information concerning the operations in individual cases of the JIOA on the Paperclip program either with respect to arrivals or rejections; he asserted that the function of the State Department, as of other departments represented in the Governing Committee, was limited to policy decisions only. The State Department Member stated that requests orally and in writing made to the Director of JIOA for such information had been rejected by the Director. This rejection was justified by the Director on the grounds above stated and upon the further grounds that the information was classified and that the State Department had no right to receive such information.

4. With respect to the motion by the Navy Department member to amend the delegation of authority JIOA 4/4 to the Director by including the power to certify the "U.S. Exploitation List", the State Department Member did not state his "intention to appeal the majority decision", as reported in the minutes under reference. He requested that the entire record of the meeting be sent up to the JIC as required by the practice of JIOA and of JIC. He stated, furthermore, that such an amendment was not within the power of the JIOA Governing Committee within the meaning of the provisions of the JIOA charter underlying JIOA 4/4, since it went to the very substance of the whole JIOA program and of the authority of its Governing Committee; and he stated his position to be that the majority of the Governing Committee had no power to bind the minority in such a case.

5. The minutes also failed to state that the State Department Member requested from the Director of JIOA the names and accompanying data concerning all German specialists who have been rejected or sent back to Germany under the provisions of SWGCC 257/22.

6. The statement in the last paragraph of the document under consideration that the State Department Member had said that "if the Secretary of Commerce wanted to bring in the scientists listed in the paper (JIOA 1/16), the State Department had no objection" is incorrect insofar as it purports to apply to JIOA 1/16. At that point the subject under discussion was not JIOA 1/16, but was directed toward Col. St. Clair, an observer from the War Department; it was a general statement in reply to remarks by the Director set forth in the next to the last paragraph of the minutes under reference.

TOP SECRET

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The State Department Member reiterates his request that the Joint Intelligence Committee be informed of the difference of opinion between the Director and the State Department Member concerning the functions of the JIOA and its Governing Committee, the right of the State Department Member at all times to obtain information, and to be kept informed by the Director, concerning the operations of JIOA. In particular, it is requested that the exclusive right of the Governing Committee to make certifications under the Paperclip program on behalf of JIOA be confirmed. Furthermore, it is desired to reiterate the request for full information concerning the Germans returned to Germany and the reasons therefor and to be supplied a complete written list of all persons heretofore brought in under the expanded Paperclip program.

Apart from the foregoing I concur in the minutes, but request that this communication be made part of the record.

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TOP SECRET

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